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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,272

04/30/2001

Yves, Louis Gabriel Audebert

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11/18/2004

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EXAMINER

SON, LINH L D

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,272	AUDEBERT ET AL.	
	Examiner	Art Unit	
	Linh Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/30/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/03, 10/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. The acronym PSD is utilized throughout the claims. However, the acronym PSD is not identified what it stands for. Appropriate correction is necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Audebert, US Patent No. 6694436B1, hereinafter '436.

The applied reference has a common inventor, Audebert, with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this

application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

5. As per claims 1 and 5, "a system for transferring proprietary information through a communications pipe between at least a first remote computer system and at least a PSD using a local client as a communications host for said PSD, said system comprising: at least one network, wherein said network includes means for functionally connecting at least one local client with said at least one first remote computer system" is taught in '436 (Col 9 lines 10-28); "said at least one local client further comprising means for transferring incoming data and applications sent from a first remote computer system through said pipe to said PSD and wherein said local client is functionally connected to said PSD and said network and is functionally communicating through said pipe with said remote computer system and said PSD" is taught in '436 (Col 9 line 54 to Col 11 line 29); "said at least one PSD further comprising at least one embedded PSD application, a microprocessor, a runtime environment and at least one internal memory location, wherein said embedded application receives proprietary information through said pipe and stores said information in said internal memory location and wherein said PSD is functionally connected to said client and is functionally communicating with said client and said first remote computer system through said communications pipe" is taught in '436 (Col 15 line 40 to Col 16 line 8); and "said at least one first remote computer system further comprising means for transferring said proprietary information from a storage location through said communications pipe, wherein said first remote computer system is functionally connected to said network and

is functionally communicating with said client and said PSD through said communications pipe” is taught in ‘436 (Col 13 line 30 to Col 14 line 10, Col 9 lines 36-53, and Col 17 lines 7-25).

6. As per claim 3, “the system according to claim 1, wherein said memory location is an open location” is taught in ‘436 (Col 15 line 34 to Col 16 line 55).

7. As per claim 4, “the system according to claim 1, wherein said memory location is a secure location” is taught in ‘436 (Col 15 line 34 to Col 16 line 55).

8. As per claims 6 and 13, the system according to claims 1 and 12, “wherein said storage location is local to said first remote computer system” is taught in ‘436 (Col 13 line 60 to Col 14 line 10).

9. As per claims 7 and 14, the system according to claims 1 and 12, “wherein said storage location is local to at least one subsequent remote computer system” is taught in ‘436 (Col 21 lines 5-27).

10. As per claim 8, “the system according to claim 1, further comprising means for functionally connecting said first remote computer system with at least one subsequent remote computer system” is taught in ‘436 (Col 21 lines 5-27).

11. As per claim 9, "the system according to claim 8, wherein said subsequent remote computer system is functionally connected to said network and is functionally communicating with said first remote computer system using said network" is taught in '436 (Col 21 lines 5-27).

12. As per claims 10, 15, 18, and 20, "the system according to claims 1-2, and 17, wherein said communications pipe employs an open communications protocol" is taught in '436 (Col 21 lines 14).

13. As per claims 11, 16, 19, and 20, "the system according to claims 1, 16, 19, and 20, wherein said communications pipe employs a secure communications protocol" is taught in '436 (Col 12 lines 56-63).

14. As per claims 12 and 17, "A method for transferring proprietary information through a communications pipe between at least a first remote computer system and at least a PSD using a local client as a communications host for said PSD, said method comprising: establishing a communications pipe between said PSD and said first remote computer system over at least one network and using said client as a communications host for said PSD" is taught in '436 (Col 9 lines 10-28), "retrieving said proprietary information from a storage location by said first remote computer system, processing said proprietary information by said first remote computer system, transmitting said proprietary information through said communications pipe to said PSD,

receiving said proprietary information through said communications pipe from said first remote computer system by said PSD, and storing said proprietary information in a memory location inside said PSD, using at least one embedded internal algorithm” is taught in ‘436 (Col 15 line 40 to Col 16 line 8, Col 13 line 30 to Col 14 line 10, Col 15 line 40 to Col 16 line 8, Col 9 lines 36-53, and Col 17 lines 7-25).

15. As per claims 2, 22 and 23, “the method according to claims 1, 12 or claim 17, and 22, further comprising; encrypting said proprietary information by said first remote computer system prior to transmitting said proprietary information through said communications pipe, and decrypting said encrypted proprietary information after receiving said proprietary information through said communications pipe by said PSD” is taught in ‘436 (Col 12 line 56 to Col 13 line 17).

Conclusion

16. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the


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status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son

Patent Examiner


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
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